

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MICHAEL S. ARGENYI,

Plaintiff,

v.

CREIGHTON UNIVERSITY,

Defendant.

CASE NO. 8:09CV341

DEFENDANT'S MOTION IN LIMINE

Defendant, Creighton University ("Creighton") respectfully moves the Court for an order *in limine* to limit the evidence, testimony, and argument presented by Plaintiff, Michael Argenyi, through his counsel, as follows:

- A. Preclude Argenyi from seeking reimbursement for costs he incurred in securing CART and interpreters for his classes at Creighton;
- B. Preclude Argenyi, under Federal Rule of Evidence 408, from presenting evidence that Creighton allowed him to use and paid for interpreters during settlement negotiations;
- C. Limit Esther Argenyi, M.D.'s testimony by Federal Rule of Evidence 701;
- D. Exclude Dr. Pollard as a trial witness;
- E. Exclude Dr. Moreland as a trial witness;
- F. Exclude testimony from Dr. Thedinger regarding conversations he had with Creighton's legal counsel;
- G. Exclude testimony from Argenyi on his subject belief;
- H. Exclude witness testimony regarding housing Creighton's conduct toward

Argenyi affected them emotionally;

- I. Exclude witnesses opinions of unfair treatment or violations of the law;
- J. Exclude testimony regarding other lawsuits or complaints against Creighton;
- K. Exclude testimony regarding any action or order of the Court concerning pretrial matters;
- L. Exclude testimony regarding objections to discovery, assertions or privilege, or discovery disputes;
- M. Exclude any solicitation of juror promises;
- N. Exclude arguments regarding injunctive relief; and
- O. Exclude evidence regarding settlement discussions, negotiations, or conduct.

Defendant sets forth the specific grounds for this Motion *In Limine* in its concurrently filed brief and Index of Evidence.

WHEREFORE, Creighton respectfully requests an order *in limine* limiting Plaintiff's evidence, testimony, and argument as outlined above.

Dated this 19th day of July, 2013.

CREIGHTON UNIVERSITY , Defendant,

By: s/Scott P. Moore
Scott Parrish Moore (NE# 20752)
Allison D. Balus (NE# 23270)
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CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Dianne D. DeLair
Marc Charmatz
Mary C. Vargas
Michael Stein

and I hereby certify that I have mailed by United States Postal Service, postage prepaid, this document to the following non CM/ECF participants:

None.

s/Scott P. Moore